

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

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AUTHORITY: Authorized by Section 2-104(b) of, and implementing Chapters 3 and 5 of, the

Illinois Vehicle Code [625 ILCS 5].

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150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6641, effective April 9, 2020, for the remainder of the 150 days; emergency amendment effective March 17, 2020, as amended April 9, 2020, repealed at 44 Ill. Reg. 11595, effective June 30, 2020; emergency amendment at 44 Ill. Reg. 11890, effective June 30, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 16487, effective September 25, 2020; amended at 44 Ill. Reg. 17440, effective October 19, 2020; emergency amendment at 45 Ill. Reg. 1369, effective January 12, 2021, for a maximum of 150 days; amended at 45 Ill. Reg. 6054, effective April 22, 2021; emergency amendment at 45 Ill. Reg. 6794, effective May 6, 2021, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 6862, effective May 24, 2021 for the remainder of the 150 days; emergency rule as amended expired October 2, 2021; emergency amendment at 45 Ill. Reg. 11690, effective September 9, 2021, for a maximum of 150 days; amended at 46 Ill. Reg. _____, effective _____.

SUBPART B: TITLES

Section 1010.195 Procedures and Disclosures for Vehicles Previously Titled in Areas Flooded as a Result of a Natural Disaster

As used in this Section, the term "areas flooded as a result of a natural disaster" (hereinafter, "flooded area") shall refer to a geographic area that has been declared a natural disaster by state or federal officials and flooded to a depth in excess of one foot, in an area in excess of one square mile.

- a) An application for an Illinois certificate of title for a vehicle that was last titled in a flooded area will be subject to the following procedures:
 - 1) the vehicle will be checked against the National Insurance Crime Bureau (NICB) database to determine if the vehicle is a known flood-damaged vehicle; and
 - 2) if the vehicle is not in the NICB database as a known flood-damaged vehicle, the Secretary shall determine whether the vehicle was last registered in a county (or parish in Louisiana) that was included in the flooded area.
- b) Any vehicle listed by NICB as a known flood-damaged vehicle shall be issued an Illinois salvage certificate with the brand "flood".
- c) The applicant for a title for a vehicle that was not in the NICB database as a known flood-damaged vehicle, but was last registered in a county included in a flood area, unless the jurisdiction in which the vehicle was last registered reports flood vehicles to the National Motor Vehicle Title and Information System (NMVTIS), shall be required at the time of application to complete a flood

disclosure statement. This statement shall require the applicant to disclose whether the vehicle sustained physical damage or water damage as a result of the flooding and, if there was damage, the extent of damage the vehicle sustained. If a previous jurisdiction reports flood status to NMVTIS and the Secretary is able to ascertain whether or not a vehicle sustained flood damage due to a natural disaster, then a flood disclosure form does not need to accompany an application for a certificate of title. The Secretary does reserve the right to request a flood disclosure at any time, if the NMVTIS system is unavailable or the vehicle's status is undetermined.

- d) If a vehicle is not listed by NICB as a known flood-damaged vehicle and was last registered in a county included in a flood area, and the application is accompanied by a flood disclosure statement, that vehicle shall be issued an Illinois certificate of title or salvage certificate, as determined by the information in the flood disclosure statement.
- e) If a vehicle is not listed by NICB as a known flood-damaged vehicle and was last registered in a county included in a flood area, and the application is not accompanied by a flood disclosure statement, that vehicle shall be issued an Illinois salvage certificate with the brand "flood".
- f) Vehicles titled in Illinois that had a title branded from the previous state will receive a similar Illinois branded title.
- g) The Secretary will utilize these procedures for up to 12 months after the date of the natural disaster declaration.

(Source: Amended at 46 Ill. Reg. _____, effective _____)